

MEMORANDUM

March 5, 2015

TO: Transportation, Infrastructure, Energy and Environment Committee

FROM: *KL* Keith Levchenko, Senior Legislative Analyst

SUBJECT: Solid Waste Management Plan Comprehensive Update

On January 15, 2015, the County Executive transmitted the “2012-2023 Comprehensive Solid Waste Management 10 Year Plan – 2012 -2023” which is a comprehensive update to the current (2009-2019) Solid Waste Management Plan. The transmittal letter and draft resolution are attached on ©1-4. A markup of the “Summary Plan of Action” section showing recommended text changes from the Current Plan to the Draft Plan is attached on ©5-9.¹ A public hearing was held on March 3.

Background

State law (Sections 9-503 and 9-515, Environment Article, of the Maryland Code) requires the governing body of each County to adopt and submit to the Maryland Department of the Environment (MDE) a ten-year plan dealing with solid waste disposal systems, solid waste acceptance facilities, and the systematic collection and disposal of solid waste.

The Environment Article further requires each County to review its solid waste management plan at least every three years. The current plan was adopted in February 2010 via Council Resolution 16-1254. A review of the current plan was most recently completed in February 2012 and MDE was notified that no revisions or amendments were required to the Plan at that time.

In addition to updating demographic information and trends, the amendment (includes changes consistent with Executive Regulation 7-12, Solid Waste and Recycling approved by the Council on October 16, 2012). This regulation adopted the State’s methodology for calculating the County’s recycling rate and also established a County recycling rate goal of 70 percent by calendar year 2020 (inclusive of the State’s 5 percent waste reduction credit).

¹ A complete copy of the Draft 2012-2023 Solid Waste Management Plan is available for download at:
<http://www.montgomerycountymd.gov/council/Resources/Files/REPORTS/Comprehensive10yrPlan.pdf>

New language is also included throughout the Draft Plan noting the County's new planning direction toward food waste composting.

The amendment also incorporates, by reference, the Montgomery County Public Schools Recycling Action Plan, November 2014, consistent with §9-1703(b)(10) of the Environment Article.

Council Staff Recommendation

Council Staff reviewed the entire text of the Draft Plan and did not find any new policy issues requiring Council review.² Council Staff did find some minor errata and sections requiring further update; none of which need to involve further Committee review.

Council Staff recommends that the Committee recommend approval of the Draft Plan to the full Council with the caveat that Council Staff will work with DEP staff to correct and update some elements of the Draft Plan. These edits will be noted in the Council action packet prepared by Council Staff.

Attachments

KML:f:\levchenko\solid waste\sw management plan\ce update january 2015\&e 3 9 15 swmp revisions.docx

² The County can amend the Plan at any time should major policy issues arise.



OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

January 15, 2015

TO: George Leventhal, President
Montgomery County Council

FROM: Isiah Leggett, County Executive

SUBJECT: Resolution – Amendment to the Comprehensive Solid Waste Management Plan

I am writing to request that the County Council adopt the attached Comprehensive Solid Waste Management Ten Year Plan for the Years 2012 through 2023 (the "Ten Year Plan")¹. This Ten Year Plan was prepared by the Division of Solid Waste Services (DSWS) in accordance with Title 9, Subtitle 5 of the Environment Article of the Annotated Code of Maryland ("Environment Article"), and Title 26, Subtitle 3, Chapter 03 of the Code of Maryland Regulations. The Environment Article requires each county to update its solid waste management plan at least every three years. County Council adopted the current Plan pursuant to Resolution 16-1254, dated February 9, 2010.

The Ten Year Plan has been updated to reflect Executive Regulation 7-12, Solid Waste and Recycling (approved by Council on October 16, 2012), which adopted the State's methodology for calculating the recycling rate under the Maryland Recycling Act (MRA). The County will no longer be reporting recycling rates using two different methodologies. In addition, consistent with Executive Regulation 7-12, it reflects the County's goal of 70 percent for recycling, by Calendar Year 2020, inclusive of the State's 5 percent waste reduction credit. Finally, this Ten Year Plan indicates a new planning direction towards food waste composting, including efforts to establish best management practices through the use of demonstration projects.

Also, attached is a draft County Council Resolution adopting the new Ten Year Plan, and the revised Montgomery County Public Schools (MCPS) Recycling Action Plan, November 2014, prepared by MCPS to be incorporated by reference into the Ten Year Plan in satisfaction of §9-1703(b)(10) of the Environment Article which requires each county's Ten Year Plan to contain a recycling plan from county public schools.

If you have any questions, please contact Kathleen Boucher, Acting Director, Department of Environmental Protection at 240-777-7781, or Bill Davidson at 240-777-6409.

IL:dl

Attachments

cc: Kathleen Boucher, Acting Director, DEP
Dan Locke, Chief, DEP/DSWS
Bill Davidson, Section Chief, DEP/DSWS
Keith Levchenko, County Council

¹The Comprehensive Solid Waste Management Ten Year Plan 2012 through 2023 can be reviewed on the attached cd.



Resolution No.: _____
Introduced: _____
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Council President at the Request of the County Executive

SUBJECT: Amendment to the Comprehensive Solid Waste Management Plan

Background

1. Pursuant to Sections 9-503 and 9-515 of the Environment Article, Annotated Code of Maryland (Environment Article), the governing body of each County is required to adopt and submit to the Maryland Department of the Environment (MDE) a ten-year plan dealing with solid waste disposal systems, solid waste acceptance facilities, and the systematic collection and disposal of solid waste. The Environment Article further requires each County to review its solid waste management plan at least every three years.
2. On February 9, 2010, the County Council adopted the County's current Comprehensive Solid Waste Management Ten Year Plan 2009 to 2019 (the Ten Year Plan) by Resolution 16-1254.
3. On September 28, 2010, the Ten Year Plan was amended by Council Resolution 16-1486 to comply with newly amended Environment Article Section 9-1703(b)(10), which requires county plans to include recycling plans of public schools.
4. Per MDE request, on September 9, 2013 and October 3, 2013, respectively, MDE received from the Division of Solid Waste Services (DSWS) informal revised draft updates of the Ten Year Plan and the MCPS Recycling Action Plan for preview. That draft Ten Year Plan reflected and was based on the County's new 70 percent recycling goal as expressed in Executive Regulation 7-12, adopted on October 16, 2012 by Council Resolution 17-566.
5. By letter dated December 3, 2013, MDE provided comments to DSWS' draft of the Ten Year Plan requiring specific language and other changes for MDE approval.
6. On February 18, 2014, MDE issued revised "Maryland Recycling Act (MRA) Tonnage Reporting Survey Guidelines for CY 2013", which Guidelines would abrogate the County's means to fully achieve its new 70 percent recycling goal by discontinuing the

State's recognition of waste-to-energy residue as recycled when used as alternate daily cover (ADC) at a landfill.

7. On May 5, 2014, the Governor enacted Senate Bill 781 ("Environment—Recycling—Special Events"), requiring the counties to amend their Ten Year Solid Waste Plans, by no later than March 1, 2015, to contain certain provisions relative to recycling at certain special events.
8. On August 25, 2014, MDE issued a letter reversing its Guidelines noted in item 6, above, relative to residue generated at the Montgomery County Resource Recovery Facility and used as ADC at a Virginia landfill.

On January 15, 2015, the County Executive transmitted to the County Council a revised Ten Year Plan entitled "Montgomery County, Maryland Comprehensive Solid Waste Management Plan for the Years 2012 through 2023" responsive to the foregoing MDE preview comments, and new legislation, together with a revised MCPS Recycling Action Plan, dated November 2014.

9. On March 3, 2015, a public hearing was held pursuant to Section 9-505 of the Environment Article.

Action

The County Council for Montgomery County, Maryland, approves the following resolution:

The Comprehensive Solid Waste Management Plan for the Years 2009 through 2019 is wholly superseded and replaced with the "Comprehensive Solid Waste Management Plan for the Years 2012 through 2023"; and

The "Montgomery County Public Schools Recycling Action Plan", dated June, is replaced with the "Montgomery County Public Schools Recycling Action Plan," dated November 2014, incorporated by reference into the aforementioned Plan.

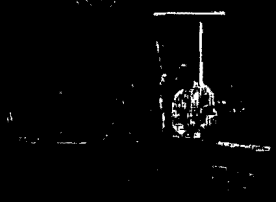
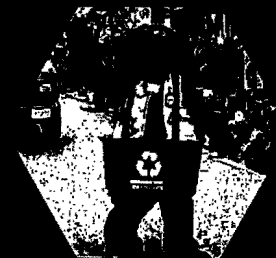
This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Montgomery County, Maryland
**DIVISION OF
SOLID WASTE SERVICES**



**Comprehensive
Solid Waste
Management
10 Year Plan
2012-2023**



Solid Waste Management System: Summary Plan of Action

FACILITY/ PROGRAM	SUMMARY PLAN OF ACTION
Shady Grove Processing Facility and Transfer Station	<p>Assessment of the relocation of yard waste transfer and grinding operations to Gude Landfill subject to future County Council appropriation.</p> <p>Maximize materials sold as mulch to minimize tonnage sent for composting.</p> <p>Set yard waste tip fee per Section 5.4.2.1</p>
Resource Recovery Facility	<p>Periodically explore the feasibility of RRF ash and/or non-ferrous recycling.</p> <p>Set tip fee per Section 5.4.2.1.</p> <p>Aggressively market electricity and ferrous to secure the best prices available.</p> <p>Conduct detailed energy balance analysis to maximize thermal and power efficiency.</p> <p><u>Continue to recover non-ferrous and ferrous metals and to beneficially use ash for alternate daily cover and road base within landfills.</u></p> <p><u>Periodically explore more economical recovery of metals and beneficial uses of ash.</u></p> <p><u>Extend or replace RRF operating contract before April 1, 2021.</u></p>
Materials Recovery Facility	<p><u>Continue to actively monitor market situations and conditions to determine feasibility of expanding County's recycling program to include additional recyclable materials.</u></p> <p>Continue to aggressively market recovered materials to capture best prices.</p> <p>Encourage increased usage of unused MRF capacity by non-residential generators.</p> <p><u>Evaluate the alternatives for maximizing revenues from the sale of all paper collected.</u></p>

Yard Trim Composting Facility	<p>Continue aggressive promotion of, education and training for <u>grasscycling and backyard or on-site composting</u>.</p> <p>Maintain back-up contracts for composting yard trim in excess of 77,000 tons.</p> <p>Increase market share and diversity of compost products produced by the County.</p> <p>Continue on-going program to periodically replace portions of paved pad and improvements to on-site storm water management.</p> <p><u>Maintain independent certification of the Composting Facility's Environmental Management System as ISO14001 compliant.</u></p>
Out-of-County Landfill/ Ash Recycling	<p>Encourage private sector recycling of construction and demolition materials and other <u>nonprocessable</u> solid waste rather than landfilling.</p> <p><u>Conduct procurement to secure out-of-County landfilling capacity beyond current contract and through planning period.</u></p> <p><u>Continue to recycle RRF ash.</u></p>

Land Reserved for Potential Future In-County Landfill	Retain the Site 2 property, located in Dickerson, MD, through the entire life of Plan for use in the event economic conditions, changes in law or other circumstances render out-of-County waste disposal infeasible.
Waste Transportation System	Monitor the performance of all transportation contractors to ensure reliability. Build contingency capacity to ensure waste transport.
Recycling and Waste Reduction Programs	<p>Aggressively encourage backyard composting including giving away compost bins and offering training sessions.</p> <p>Periodically evaluate the rates at which each type of recyclable is being captured.</p> <p>Increase capture of all recycled materials through existing programs and outreach, including outreach, education, technical assistance, and training.</p> <p>Rigorously enforce the recycling bans instituted by ER15-04AM and 18-04- (see Appendix I of this Plan).</p> <p><u>Continue to require recycling at special events consistent with Section 3.1.1.3.</u></p> <p>Vary size and styles of replacement <u>recycling bins and carts</u> to fit housing types and maximize usage.</p> <p>Examine the feasibility of targeting additional materials types for recycling including food waste generated at restaurants, schools and institutions.</p> <p><u>Work with MDE to clarify regulations governing the permitting and operation of food residual composting so as to remove impediments to the development of new food residual composting facilities in our region.</u></p> <p><u>Within six months of adoption by MDE of new and comprehensive regulations governing the siting, permitting, construction and operation of food composting facilities in Maryland, DEP will develop a strategy to contractually obtain access to or promote the development and use of food waste composting capacity to service Montgomery County waste generators.</u></p> <p><u>Continue to conduct pilot projects and establish best management practices for food residuals collection, transportation and processing.</u></p>

**Recycling and
Waste Reduction
Programs**
(Continued)

Continue to evaluate innovative collection techniques to increase cost-effective recycling of all kinds.

Continue to promote cooperative collection contracting among commercial/non-residential generators.

Oversee compliance with the requirements of "The Maryland Recycling Rates and Waste Diversion -Statewide Goal Act (20 12)." This Act revised the 1988 Maryland Recycling Act (MRA) and requires the Montgomery County Plan to address a reduction through recycling of at least 35 percent of the County's solid waste stream by July 1, 2014. The Plan must be fully implemented by December 31, 2015.

Continue Multi-Family Recycling Program and ensure compliance with the requirements of "Recycling - Apartment Buildings and Condominiums Act (20 12)." This Act requires the Montgomery County Recycling Plan to address the collection and recycling of recyclable materials from residents of apartment buildings and condominiums that contain 10 or more dwelling units by property owners or managers of apartment buildings and councils of unit owners of condominiums. Further, if applicable, include a method for implementing a reporting requirement for recyclable materials generated at apartment buildings and condominiums that contain 10 or more dwelling units."

Private Facilities	Work cooperatively to promote expansion and use of private recycling infrastructure within County, including C&D.
Oaks and Gude Landfills	<p>Operate an oil-grit separator <u>at Oaks for nonprocessable solid waste collected from County storm water captors at Oaks receptors.</u></p> <p>Implement <u>Operate gas-to-energy projects at both landfills or otherwise provide landfill gas management.</u> Perform other post-closure care in accordance with applicable federal and state regulations.</p> <p>Improve gas capture and minimize migration.</p> <p><u>Continue with site investigations and assess and implement corrective measures, if appropriate, to prevent off-site migration of contaminants.</u></p> <p><u>Comply with the existing consent order, with MDE, for the Gude Landfill.</u></p>
System Financing	<p>Maintain transparency in fiscal management.</p> <p>Monitor revenue generation methods to assure fair and equitable rates.</p> <p>Track current market conditions to maintain competitive tip fees.</p> <p>Monitor commodity markets to assure County receives most favorable revenues and credits possible from the sale of all recovered resources.</p>
Greenhouse Gasses and Ozone-Related Emissions	<p>Complete solid waste system-wide inventory of GHG and ozone-related emissions. Include net emissions effects in the consideration of future changes in solid waste management system, including but not limited to any addition of new materials targeted for recycling, and changes to the collection and transportation systems.</p> <p>Work with the private sector (subscription) collectors to quantify and reduce emissions.</p>
Collection	Use creative techniques to encourage contracted haulers to propose <u>implement</u> environmentally friendly options.